DALTON ADMITS HE SERVED A CHAINGANG SENTENCE FOR THEFT OF A "SHOP HAMMER"

Miss Hattie Hall Swears She Was In Frank's Office Between 11 and 12 o'Clock and That Superintendent Did No Work on Finance Sheet During This Hour—Her Testimony Different In This Respect From What She Swore at Inquest

MRS. WHITE'S BROTHER GIVES DIFFERENT VERSION OF STORY ABOUT SEEING NEGRO LURKING IN FACTORY

Solicitor Dorsey Puts Wade Campbell Through Severe Cross Examination, Calling Attention to Discrepancies In His Testimony and Signed Statement Given to the Solicitor, Frank's Movements on Day of Tragedy to Be Proved

Decidedly the feature of the Tuesday morning session of the trial of Leo M. Frank, charged with the murder of Mary Phagan, was the successful attack made by the defense on the credibility of C. B. Dalton, who had previously testified for the state.

Dalton was recalled to the stand by the defense and by his own admissions, it was shown that he had served a chaingang sentence in Walton county in 1884 for theft; that he was indicted in 1899 for stealing baled cotton, for which he received, to quote his own language, "one-forty-one-eighty;" and that he "hade come clear of stealing corn in Gwinnett county."

Four witnesses, V. S. Cooper, of Monroe, J. H. Patrick, policeman and justice of the peace Walton county, W. T. Mitchell and I. M. Hamilton, all swore that they would not believe Dalton on oath. Mrs. Laura Atkinson, of 30 Ellis street, testified that she had met Dalton several times but that she had never met him at the Busy Bee cafe. Mrs. Minnie Smith, an employe of the factory, testified that she did not even know Dalton. Both had been mentioned in Dalton's testimony for the state.

Miss Hattie Hall, stenographer and bookkeeper for Montag Brothers, proved an important witness for the defense. She testified that she went to the factory at Frank's request not later

than 11 o'clock on the day of the tragedy, that she remained there until 12 o'clock, leaving as the whistle blew, and that during the period she was there Frank did not work on the financial sheet, which he claims to have prepared during the afternoon. She said that she did not see any little girl entering the factory as she left. Miss Hall also testified that Frank told her over the telephone Saturday morning, when he requested her to come over and assist him, that he had work before him that would occupy him until 6 o'clock in the evening. This testimony was ruled out by the court, after an argument between the attorneys. Miss Hall also told of the people she saw who visited Frank's office Saturday morning between 11 and 12 o'clock, mentioning Miss Corinthia Hall, Mrs. Arthur White, a young woman whom she did not know and two men.

On cross examination the solicitor drew from the witness the fact that her salary at the time of the tragedy was $10.50 per week and that it had recently been increased to $15 per week.

Miss Hall was severely cross-questioned by Solicitor Dorsey who called attention to the fact that when she testified at the coroner's inquest she stated that she had helped Frank fill in the financial sheet on Saturday morning, whereas Tuesday she declared that Frank had done no work on the finance sheet while she was in the office. Miss Hall explained her previous testimony by the statement that she had mistaken the "average sheet" for the finance sheet, and that it was the average sheet on which they had worked Saturday morning.

WHEN WAS NEGRO SEEN?

Another important witness examined during the morning was Wade Campbell, brother of Mrs. Arthur White, who had testified that she saw a negro sitting on a box near the stairway on the first floor as she left the factory about 1 o'clock. Her brother swore Tuesday that Mrs. White had told him that she saw the negro as she entered the factory about 12 o'clock, but that when she came out about 12:30 she heard voices but could see no one.

The witness was grilled by the solicitor, who called attention to a signed statement given to the solicitor on May 12 which did not coincide in some particulars with his testimony Tuesday.

C. E. Pollard, an expert accountant, testified that he had examined the financial sheet made out by Frank, and that the work Frank claims to have done in the afternoon of the fatal Saturday required him three hours and eleven minutes. He found two slight errors in the work.

ELEVATOR BOY TO TESTIFY.

When court recessed at 12:30 o'clock, it was expected that "Snowball," the negro elevator boy at the factory, would be the first witness in the afternoon. He is expected to testify in regard to the alleged suspicious conduct of Jim Conley after the tragedy. Following "Snowball" the defense will probably put witnesses to prove Frank's movements on the day of the crime. A number of people who saw him at different times during the day and night have been subpoenaed.

Although it has been definitely announced by attorneys for the defense that Frank's character will be placed in evidence and fifty or more witnesses subpoenaed to testify in this connection, it will probably be several days before any of them take the stand. There how seems to be little doubt that the trial will run into its fourth week.

For the first time since the trial of Leo M. Frank for the murder of Mary Phagan began fourteen days ago, every applicant for admission found a seat in the court room Tuesday morning, and when court convened there was room for several more spectators. The crowd had diminished by much more than half of its usual size.

At 9 o'clock court convened.

Attorney Arnold asked the bailiffs to call for C. B. Dalton, stating that he wanted to know whether Dalton was within reach of the court. The bailiff had not returned when C. E. Pollard, a certified

public accountant with the American Audit company, was called to the stand.

Pollard had gone over a copy of the finance sheet and of the factory records, on both of which the defense claims that Frank worked on the Saturday afternoon. Pollard said he went into the method of compiling these sheets with H. G. Schiff, and then timing himself on each separate operation he went into the making up of the records, which took him three hours and eleven minutes; working constantly without interruption. The witness said that that was just as quickly as he could do the work. He said that in the factory record there was a discrepancy between his figures and Frank's figures of one and a half gross in a total of 2, 775 1-2 gross. He is not satisfied yet, said he, as to whose figures are incorrect. The three hours and eleven minutes included all of the work that Frank is supposed to have done that afternoon.

Mrs. Frank, wife of the accused, sat beside him in her accustomed place Tuesday morning, caressing her husband constantly.

Pollard testified that he had been an accountant for fifteen or sixteen years; that he received his training in New York; and that he is employed as an auditor by the American Audit company in the Atlanta office. Regarding the mistake of a gross and a half between his figures and Frank's, he testified [...]

C. B. DALTON'S CHARACTER IS SHOWN UP BY FRANK DEFENSE

[...] that it was made on the 11th and 12th of April. Attorney Arnold drew out of the witness that this might have been a mistake on the part of the men who furnished data to him, and not on Frank's part. In the column on the financial sheet headed "Value of Products," he found another error, he said, of 11 cents. Those two were the only discrepancies he found in Frank's work, he said.

WITNESS CROSS-EXAMINED.

Attorney Hooper cross-examined the witness.

"This is an unusual kind of a job for you, isn't it?" asked Mr. Hooper.

"I don't think so, sir. I am frequently called on to say how long certain work should take."

"Are you a rapid worker?"
"I don't know."

"Well, you should know. That's the only way we can find out these things."

"I am considered rapid."

"You say you consider three hours and eleven minutes a very good time for completing this sheet?"
"I am speaking of myself."

"Could you tell the jury whose mistake it was on the 18th and the 19th?"

"I cannot."

"Isn't it true that one can work his own books quicker than anybody else?"
"Yes, sir."

The witness testified that the .49 cents discrepancy wouldn't have grown as the calculations went on.

Attorney Arnold asked, "That mistake grew out of one single multiplication, didn't it?"
"Yes."

In answer to another question by Attorney Arnold, he estimated a minimum of 200 small calculations necessary for the completion of the work.

"Do you consider this mistake of .49 cents serious?" asked Attorney Arnold.

"It's not so serious, but it is a mistake, nevertheless."

MISS HALL TESTIFIES.

The witness was accused, and Miss Hattie Hall, stenographer and book-keeper employed by Montag Brothers, was called to the stand as the next witness.

Miss Hall testified that she did work for the National Pencil company, going here when necessary.

"Did you ever go there previous to April 26?" asked Attorney Arnold.

"Yes."

"Did you see Mr. Frank on April 26?"
"Yes."

"When was the first time on that day you saw him?"
"At Montag Brothers around 10 o'clock that morning."
"Did you have any conversation with him?"
"Yes, sir, he came into Mr. Sig Montag's office, where I was at work. I told him I didn't know whether I could do the work or not because Mr. Sig Montag was out and he might come back so late that it would throw me late getting through with his work."

"Did he say much—?"

LAWYERS ARGUE POINT.

Solicitor Dorsey objected on the ground that a statement by Frank as to how much work he had for the witness to do would be a self-serving declaration and would not be admissible. Attorney Arnold insisted upon the question, declaring that everything Frank did or said on the day of the crime was admissible, and certainly that if he planned a quantity of work for Saturday afternoon it was certainly permissible for the defense to show that. Judge Roan called for authorities, and the argument consumed several minutes.

Judge Roan ruled to admit the question if the defense could show later that the stenographer did that work.

"What was that conversation, Miss Hall?" asked Mr. Arnold.

"We had had a conversation over the telephone first," said Miss Hall. Solicitor Dorsey objected, but the question was admitted when Miss Hall said she recognized Frank's voice over the telephone.

"I had called him over the phone about a duplicate bill, and then he told me to come over and help him for he had work that would take him until 6 o'clock."

Solicitor Dorsey objected immediately Attorney Arnold argued the point. He said that the solicitor had indicated by his questions that he would claim that the financial sheet was completed in the morning, and that the testimony of this witness regarding the conversation was essential to show that it was not Frank's intention to do that in the morning, and that he had mapped out before him work that would keep him until 6 o'clock at night. Mr. Arnold said it would do "this young man" Frank a great injustice to shut out anything relative to his program on that day. Supporting his contention, Mr. Arnold quoted from a case which he said he and the late Judge R. T. Dorsey, father of the solicitor, had tried in 1880. Solicitor Dorsey followed Mr. Arnold and argued at length on the legal principle involved in the point. Attorney Hooper completed the [1 word illegible] argument on the subject, taking the position that the statement would purely a self-serving declaration, in anticipation of the crime to follow. We have shown that the day before he refused to send this girl her money," said Mr. Hooper, "and that before this conversation with Miss Hall occurred he had arranged to secure a watchman for the occasion."

JUDGE SUSTAINS STATE.

Judge Roan held that the witness could show that she was called to go to Frank's office to do certain work and that she could tell about that work, but he sustained the state by ruling out Frank's alleged statement to her that he had work which would take him till 6 o'clock.

Mis[s] Hall continued that Frank came to Montag's about 15 or 20 minutes after the telephone conversation, and that she at first told hoim [sic] she couldn't tell him because Mr. Sig Montag was going to dictate some letters. Mr. Montag finished his dictation very quickly, she said, and Frank was still in the office. She then told him that she would go over.

Between 10:30 and 11 o'clock, she said, she started for the factory. She was certain that she arrived there before 11 o'clock. She entered the outer office and waited a few minutes. Her memory is not very clear on the point, she said, but she remembered that she went a little later into Frank's office and got some orders, ten or eleven, which she took to the outer office and acknowledged. She identified ten of these orders, by her initials on them—H. H. She said that all of these orders had been brought to the factory by Frank from Montag's that morning. She said that two men who worked in the factory came in. She did not know their names. They talked with Frank a few minutes. She remembered also, she said, the arrival of a young woman whom she has learned is Miss Corinthia Hall, and of another young woman. She remembered also Mrs. Arthur White, she said. Mrs. White asked her if she could see her husband, said the witness, and the witness referred her to Mr. Frank. In answer to questions she declared that during that time Frank was doing no regular work. She said positively that during the time she was there he was not working upon the financial sheet.

Miss Hall answered by saying that she is not very familiar with Frank's handwriting. At the request of Attorney Arnold she looked into the order book and said, however, that the writing there looked like Frank's.

"Did Frank dictate any letters to you Saturday morning?"
"Yes." Miss Hall identified eight letters which she said she had written from Frank's dictation, and which were exhibited to her by Attorney Arnold. She said that Frank dictated them in the inner office, and that she then had taken them back to him for his inspection and signature, with a carbon copy of each.

Holding up before her the financial sheet, Attorney Arnold asked her: "Was Frank doing any work on this financial sheet while you were there that morning?"
"No, sir."

"What time did you leave the pencil factory?"

LEFT AS WHISTLE BLEW.

"I left the outer office just as the 12 o'clock whistle blew."

"What did you do then?"
"I started out of the building and got downstairs, when I happened to think that I'd left my umbrella, and I went back up and got it and left the building. As I went by the time clock on my way out it was 3 minutes after 12 o'clock."

"Did you see any little girl around there about them?"
"No, sir."
Solicitor Dorsey cross-examined the witness.

"What time did you leave Montag Brothers to go to the factory?" asked the solicitor.

"Between 10:30 and 11 o'clock."

"Did you call Frank on the telephone, or did Frank call you?"
"I called him."

"They had a regular stenographer there the day before, didn't they?"
"Yes, but she wasn't very good."
"I didn't ask you all of that," commented the solicitor. "How much were you making in salary at that time?"
"Ten dollars and a half a week."
"How much are you getting now?"
"Fifteen dollars a week."
"When did you get this increase?"
"August 1."
"And you didn't ask for it, did you?"
"Indeed I did."
"Didn't you say last night, downtown at the soda fount, that you

didn't ask for it?"
"I did not, I don't even go to the soda fountain."
"Didn't you tell friends that last night?"
"I did not."
"Well, you insisted on going from Montag Brothers over to the pencil factory, didn't you?"
"Mr. Frank wanted me to go over. The insisting was on the other end."
Solicitor Dorsey asked her if she did not testify before the coroner's jury that Frank was at the factory when she arrived. She said that she did not remember testifying that. Answering another question, she said that she does not know now whether Frank was there when she arrived.

FRANK WASN'T WITH HER.

"Frank did walk over with you, did he?"
"No, sir."

"He knew you were going over, though, didn't he? And yet he didn't go with you?"
"Yes, but he didn't know when Mr. Montag was going to finish his dictation."

"You acknowledged these orders, and wrote the letters between 11 and 12 o'clock, didn't you?"
"Yes, between the time I got there and the time I left."

"You don't know how long it was before Frank left Montag's, that you left, do you?"
"No."
"You didn't go together, you say?"

"No."
"How long did it take you to fill out the blanks in the order book?"
"I don't know."

"Didn't you say before the coroner's jury that it took about a minute to fill out each blank?"
"I don't know whether I did or not."

"Did you see any one come in?"
"Yes, those two men and three women."

"Who were the men?"
"Those men whose sons had had trouble in the police court."
"You mean the automobile trouble?"
"Yes."

"Who were the women?"
"One of them was Corinthia Hall and the other was a woman who had married the day before."

"What time did they leave?"
"I don't know, but it was after the office boy left, and he left at 11:30."

"Didn't you say at the coroner's inquest that you didn't know what time they left?"
"Maybe I did, but Alonzo said he left at 11:30 o'clock."
"Oh, you've talked it over since then, eh?"
"No, I haven't talked it over. Alonzo just mentioned it to me."

A READ WITNESS.

"Have you talked it over with Mr. Arnold and Mr. Rosser?"
"Haven't your witnesses talked to you?" demanded Miss Hall.

The bailiffs rapped for order when there was laughter in court.

"You wrote those letters on the typewriter?"
"Yes."

"How long did it take you?"
"I don't know. I started about two minutes after he finished dictating."

"After you'd finished taking dictation, what did you do?"
"I went into the outer office."

"Where did you take dictation?"
"I took it in the inner office."

"How long did it take you to transcribe it?"
"I don't know."

"Can't you approximate the time?"
"No, I cannot."

"You didn't stop, did you, while you were transcribing?"
"Yes, I stopped once, and told that woman where Mr. Frank was."

"While you were transcribing, did you see Frank except when he came to the door to speak to Mrs. White?"
"Yes, he came to the door and talked to those men. I saw him then."

"After you'd finished transcribing, what did you do?"
"I took the letters to him to sign."

"What did you do then?"
"Put on my hat and left. And I'd like to say right here that he folded the letters and put them in the envelope himself."

"Did you ask him if he wanted to look over the letters before you left?"

"Yes, and he said no, that he'd look them over later."

"What else did he have to do?"
"From the looks of his desk, he had lots to do."

"Did you get anything from there Monday?"
"Yes, among other things the bank book."

"Did you remember Frank working on the finance sheet that Saturday morning?"

"No, he was not working on the finance sheet, although I helped him with some data for the finance sheet."

"Didn't you swear at the coroner's inquest that he did work on the finance sheet?"

SHE WAS MISTAKEN.

"Maybe I did, but I was mistaken, because at that time I thought, the average sheet was the finance sheet."

"How long have you been at Montag's?"
"Since last December."

"The finance sheet comes over there ever Monday morning, doesn't it?"
"I reckon so, but I have nothing to do with it."

"Who showed you the difference between the average sheet and the finance sheet?"
"I saw the difference myself when I saw a finance sheet."
"Didn't you swear at the coroner's inquest that you helped fill in the finance sheet on that Saturday morning?"
"Yes, maybe I did, but I was mistaken. It was the average sheet we were working on."
"So you've discovered your mistake since the coroner's inquest, have you?"
"Yes."
"When did you discover this mistake?"

"I don't know exactly, except that it was a finance sheet. I want you to understand, though, that no one has said anything to me about it."

"Well, if you can't tell exactly, tell it to the best of your knowledge when you discovered your mistake."

"Soon after the coroner's inquest, I suppose."

"Didn't you have the finance sheet on April 26 shown to you at the coroner's inquest, and didn't you tell them that was the sheet you and Frank worked on Saturday morning?"
"I don't think I did."

"Didn't you tell the coroner's inquest that he worked on a finance sheet on the previous Saturday morning also and that you helped him then?"
"Maybe I did, but if so I was mistaken, because it was the average sheet he was working on."

TRIES TO TRAP HER.

Solicitor Dorsey continued his efforts to trap the witness by use of her testimony at the coroner's inquest.

"Were you in the inner office except when Frank was dictating those letters."

"Yes, when I got the orders."

"When did you remember that you were in there more than once?"
"I don't remember."

"Wasn't the direct question asked you at the coroner's inquest, when your memory was supposed to be fresher than it is now, and didn't you say then, ‘I remember only going in for the dictation?'"

"I don't know."

"When did your mind undergo this change?"

"I don't know."

NOT SO EMBARRASSED.

"Well, why did you change?"
"At the coroner's inquest it was the first time I'd ever been to court, and I wasn't fully at myself."

"I see. You've talked more with lawyers and are more familiar with it now?"

"No, I'm just not as embarrassed at being in court."

"Then you were in there only two times. You are certain of that?"
"Yes, and I want to say that once while I was in there, I heard Mr. Frank have Alonzo call up Mr. Schiff and tell him to come down there."

"At the coroner's inquest, you said you knew the looks of the financial sheet?"

"Yes, but I thought it was the average sheet?"
"And this, despite the fact that you've worked at Montag's since December?"
"Yes, but I hadn't seen the financial sheet."

"You say those girls came to get a coat?"
"Yes."

"Didn't you tell at the coroner's inquest that they came for the money of one of them?"
"Yes, that's true, but they came for the coat, too."

"And you said then that you had helped on the previous Saturday to get up the financial sheet?"
"Yes, but I thought it was the average sheet."

"Frank didn't call on you to help on the financial sheet on the 26th?"
"He said he couldn't get up the financial sheet until Mr. Schiff came down and got up certain data. He said exactly, ‘I can't finish my work till Schiff gets up his."

WHAT SHE TOLD CORONER.

"Didn't you tell the coroner's jury that you didn't help on the financial sheet because you had to leave at 12?"
"Yes, but I meant the average sheet."

"Didn't we show you the financial sheet and ask you if it was Frank's handwriting, and didn't you say that it looked like the same but you couldn't be sure; that slanting hands looked alike?"

"Yes."

"Well, how on earth could you look at this small sheet, holding up the financial sheet, "written with a pen, and called the financial sheet, and now say that you mistook it for this big sheet written in pencil? The solicitor held up the average sheet.

"Didn't you say then that you couldn't tell whether or not it was Frank's handwriting? And now you turn up and say that it looked like Frank's handwriting?"

"Well, at the coroner's inquest I said I couldn't swear about it—that I could not tell whether it was his or not."

"Didn't you say then that you didn't see the books, but that Frank was working?"
"Yes."

"Well, how did this work look that was piled up on his desk?"
"They were letters, largely."

"How do you know that the financial sheet was not on the desk?"
"I would certainly have seen a sheet that big."

"And yet you say that when you didn't know the financial sheet?"
"Yes, but I would have seen a sheet that big."

"Come down," said the solicitor.

"Wait a minute," said Mr. Arnold.

"Did you say that while you were there you heard Alonzo call up Schiff at Frank's direction?" asked Mr. Arnold.

"Yes."

EXPLAINS SALARY INCREASE.

"You say your salary was raised this month. Wasn't there some kind of an agreement about that when you were employed?"

"Yes. I was to get $50 a month until the busy season, and then $15 a week, I asked for more money on July 1, but they wanted to wait until August 1."

Holding up the financial sheet made out by Frank, Attorney Arnold asked, "Had you ever worked on any of these financial sheets?"
"No, sir."

"Look and see if you put a single figure on that," said he, walking toward the witness chair.

"No, sir, I have not," answered the witness.

The average sheet which is made out as a preliminary operation was shown to her and she identified that as the sheet which she had worked on on previous occasions.

Attorney Arnold picked up the bound financial sheets made out before April 26. He turned to the sheet made out 26. He turned to

the sheet made out April 10 and asked if she had assisted in compiling it. She replied that she was not there on April 10. The same was testified regarding the sheet of April 3. She said, too, in answer to further questions that she had never worked on a single financial sheet.

WANTED HER IN AFTERNOON.

"Why did you tell Frank you could not stay after 12 o'clock?"

words were to the effect that he'd like to have me there in the afternoon. I also heard him tell Harry Gottheimer that he'd like to have me work there in the afternoon."

Solicitor Dorsey objected, but withdrew his objection.

"What did you tell him?" asked Attorney Arnold.

"I told him I'd have to get off at 12 o'clock."

"I believe you said you left at two minutes after 12? Did you see Lemmie Quinn there before you left?"
"No, sir."

DALTON IS CALLED.

There was a five-minute recess, and C. B. Dalton, was called by the defense.

"Who is Andrew Dalton?" asked Attorney Arnold, reading from papers in his hand.

"He is my brother-in-law."

"He has the same name you have, has he?"
"Yes."

"Who is John Dalton?"

"He is my cousin."

"Weren't all three of you sent to the chaingang in Walton county in 1894 for theft?"

"No, sir, I was the only one that was sent."

"You were sent there in March [...]

C. B. DALTON'S CHARACTER SHOWN UP BY DEFENSE

[…] weren't you?"
"Yes. Then I was pardoned out next month."
"I move to rule out the part of that answer about the pardon," said Attorney Arnold, addressing the court. It was stricken from the record.

"How long did you serve?"
"Up till April, I think."

"Didn't you plead guilty in three [1 word illegible]."

"No, sir."

"Didn't you plead guilty in three different cases and serve concurrently for all three in the chaingang?"

STOLE A SHOP HAMMER.

"I don't know about that. But I do know that a shop hammer was all I [1 word illegible]."

"In 1895, at the February term of court, weren't you indicted for stealing baled cotton?"
"Yes, sir, for helping."

"What did you get for that?"

"One forty one eighty." It was assumed that the witness meant this fine.

"Where did you go after that?"
"I went to Gwinnett county."
"Weren't you indicted there?"
"No, they had me arrested for stealing corn, but I came clear."

Solicitor Dorsey cross-questioned the witness.

"How long since you've been in trouble?" the solicitor asked.

"About eighteen years."

"What condition were you in when you got into trouble?"
"Me and the boys got drunk and stole a shop hammer."

Attorney Arnold asked, "Aren't you under indictment now from the 1904 term of court for selling liquor?"

"If I am, I don't know it."

"Isn't it a fact that you were allowed to get out of the county and that they were so glad to get rid of you that they never sent for you?"
"No, I don't think so. The day I left was out hunting all day with the sheriff."

Solicitor Dorsey: "Do you know if Daisy Hopkins knows Leo M. Frank?"

"Yes, I saw her talking to him. And she told me [words illegible]."

WILL SEE DAISY AGAIN.

Attorney Reuben Arnold objected to what Daisy Hopkins told the witness, and Solicitor Dorsey pressed the question no further, stating that he would put Daisy Hopkins herself on the stand later.

V. A. Cooper was the next witness called by the defense. He is a citizen of Monroe, Walton county. He stated that he would not believe C. B. Dalton on oath. He went to the stand with his little boy, about four years old. Mrs. Frank offered to hold the child while Mr. Cooper testified, but the father declined. Attorney Arnold then suggested that the sheriff, who was sitting just by the witness stand, would hold the little boy, but Mr. Cooper said that would be all right, he'd keep him. The boy stood between his father's knees, therefore.

WITNESS HAD GONE.

During the testimony by Mr. Cooper, Attorney Arnold called for C. B. Dalton to be brought back into court for positive identification by Mr. Cooper. When Dalton's name was called, there was no response and Attorney Arnold said, "See there, your honor. We asked that witness not two minutes ago to stay around here because we'd want to call him again in a few minutes, and now he's gone."

Solicitor Dorsey put an end to the discussion by admitting that the C. B. Dalton in question was the one who had just left the stand. He did not cross-examine Mr. Cooper.

The defense next called to the stand J. H. Patrick, a carpenter, policeman and justice court bailiff, of Walton county. He testified that he would not believe Bartus Dalton on oath. Attorney Arnold asked him if that was C. B. Dalton. Witness said he didn't know the man by those initials, but that this morning in the witness room he had seen the man he was talking about and had shaken hands with him. Solicitor Dorsey admitted the identity of Dalton. Mr. Patrick caused some amusement in the court by addressing Attorney Arnold as "brother," in country fashion. Attorney Arnold joined in the hearty laugh, and when Mr. Patrick, leaving the stand, asked if he could "set in court a while." Mr. Arnold replied so everyone could hear it, "Yes, brother, you can stay here as long as you want to, and we are very much obliged for your testimony."

W. T. Mitchell, a Walton county farmer was sworn next by the defense. He testified also that he would not believe Dalton on oath. So also did L. M. Hamilton.

NOT AT BUSY BEE.

Mrs. Laura Atkinson, of 30 Ellis street, employed by the Empire Printing company, was called to the stand. She testified that she had met C. B. Dalton on three occasions, but that she had never met him at the Busy Bee cafe. She said that at one time for a couple of days she worked for the pencil company.

"Did you ever go to the pencil factory with him after hours?" asked Attorney Arnold.

Solicitor Dorsey objected on the ground that Dalton had not alleged wrongful relations between himself and the witness.

"I think it's wrong for any woman just to be with him," said Mr. Arnold, withdrawing the question.

On cross-examination, Solicitor Dorsey asked her, who runs the Empire Printing plant. She replied, "A Mr. Hirach."

Mrs. Minnie Smith was called to the stand. She has worked in the National Pencil factory for the past four years and is the only Mrs. Smith employed at the National Pencil factory, who lives at 148 South Pryor street. She declares that not only had she never met C. B. Dalton at the Busy Bee, but that she didn't know him at all. She said she had spoken to Superintendent Frank only five or six times during her four years at the factory.

OFFICE BOY TESTIFIES.

Alonzo Mann, office boy of the National Pencil factory, was called as the next witness. He has been employed at the factory since April 1, of this year. He was frightened evidently by his experience in court, and the stenographer had difficulty in hearing his answers. He said that he had worked at the factory two Saturdays previous to the tragedy and that he did not know Mary Phagan even by sight. He said that he left the factory on the day of the tragedy about 11:30 and that so far as he remembers he left there only Miss Hall, the stenographer, and Frank. The boy said that he remembered telephoning to Herbert Schiff at Frank's direction, but was notified by a servant at the Schiff residence that the young man had not arisen.

"During Saturdays, how late did you usually stay?"

"About 3:30 or 4 o'clock."

"Was Mr. Frank working in the afternoons of the previous Saturdays?"

"He was there, but I don't know what he was working on."

"Did you ever see Frank bring any women into his office and treat them to drinks?"
"No, sir."

"Did you ever see a fellow named Dalton around there?"
"No, sir."

"When do you remember seeing around the factory that Saturday?"

HE DIDN'T REMEMBER.

Alonzo mentioned Mr. Holloway, Mr. Irby, McCrary, the negro drayman, and Mr. Darley. He said that he couldn't remember anybody else. Attorney Arnold asked him questions in succession, if he saw Lemmie Quinn, Miss Corinthia Hall, Miss Emma Freeman, Mrs. Arthur White, or Wade Campbell. He said that he did not remember seeing any of them.

Solicitor Dorsey cross-examined the office boy.

"Was Frank at work that Saturday morning?" asked the solicitor.

"Yes, sir."

"What time did he get there?"

"I don't know."

"Did he go right to work when he got there?"

"He went right on into his office."

"Did he go out that morning at all?"

"Yes, sir, he went out once."

"Do you know how long he was gone?"

"I don't know."

WADE CAMPBELL TESTIFIES.

Wade Campbell was called to the stand as the next witness for the defense. He said he had worked for the National Pencil factory a year and a half. Attorney Arnold asked:

"Do you recall a conversation with your sister, Mrs. Arthur White, on the Monday following this tragedy? Just tell the jury that part of the conversation that related to seeing a negro there."

Campbell faced the jury and said that Mrs. White said that as she went into the factory about 12 o'clock she saw a negro sitting on a box on the first floor, and when she came out about 12:30 she

heard voices, but couldn't see anybody nor tell where the voices came from.

"Were you at the factory on Saturday, April 26?"

"Yes."

"What time did you get there?"

"About 9:30 o'clock."

"Did you see Mr. Frank?"

"Yes, as I went in he was walking around in the outer office."

"He wasn't working when you saw him, then, was he?"

"No, sir. He had a club which he used to play with, in his hand, and he was carrying it around. He joked with me. He said he thought when I came up I wanted to borrow money."

"What time did you leave?"
"About 9:40 o'clock."

"What do you do at the pencil factory?"
"I'm an inspector."

"Did you know Mary Phagan well enough to speak to her?"

"Yes."

"Did you ever see Frank talk to her?"

"No, sir."

"On Tuesday following this tragedy, were you on the fourth floor when Frank came up there?"
"I went up with him."
"What were you doing up there?"

"I was working up there."

DIDN'T SEE CONLEY.

"Did you see the negro Conley talk to Frank up there?"
"I don't remember seeing him up there at all."

Solicitor Dorsey took the witness on cross-examination.

"You board with N. V. Darley, manager of the pencil factory, don't you?" asked the solicitor.

"I did until a few weeks ago."

"Where were you Saturday night, April 26?"

"I went to the Bijou theater."

"With whom?"
"With Mr. Darley—"

Attorney Rosser objected. Solicitor Dorsey contended that he had a right to show the relationship between the witness and Darley. Judge Roan sustained Mr. Rosser. Solicitor Dorsey, however, continued to argue, and Attorney Rosser asked the court to send the jury from the room if the solicitor was going to continue his argument. The solicitor surrendered the point.

"Do you know Miss Dixon?" asked the solicitor.

"Yes," answered the witness.

"Did you see her Saturday night, April 26?"

Attorney Rosser objected.

Solicitor Dorsey said he was willing to let the question go out. There followed an exchange of sharp comments among the attorneys. Attorney Arnold said he didn't believe the state should ask such questions. Solicitor Dorsey answered that he didn't know whether Judge Roan would allow it in or not. Attorney Rosser spoke up, "Well, you know it's not legal, don't you?" he demanded. "No, I don't know it's not legal, till the judge rules on it," the solicitor replied.

SOLICITOR PASSES QUESTIONS.

Judge Roan sustained the solicitor, but Mr. Dorsey said that inasmuch as there was objection to that line of questions he would pass them.

"You went to see your sister on Monday, April 28?"

"Yes."

"What time of day was it?"
"Some time in the afternoon."

"Who sent you?"

"Darley sent me."

"Did you report to him what she said?"

"Yes."

"What did he say?"
"She said a negro was sitting on the boxes at the front of the stairs when she went into the factory about 12 o'clock."

"What did she say as to what she saw when she came out of the factory?"
"She said when she came out she heard low voices but she couldn't tell where they were."

SAW BLOOD SPOT.

"You saw the place where the blood was said to be, didn't you?"
"Yes."

"Where was it?"
"In the metal room on the second floor near the women's dressing room."

"How close to the dressing room was it?"
"I can't say, as I paid no particular attention to it."

"You must have looked at it, didn't you?"
"Oh, yes, I looked at it."

"Describe it then. Tell what it looked like. How big a blood spot was it?"
In answer to the last question the witness indicated with his hand a space about as large as man's ordinary straw hat.

"Go ahead and tell us some more about it."

"That's about all I noticed."

"You'd heard of the murder, hadn't you?"

"Yes."

"And yet you didn't look close at this blood spot?"
"No."

"You knew it was a blood spot, didn't you?"
"They said it was."

"What part of the factory do you work in?"
"I work as an inspector all over the factory."

"You made a statement to me in my office on May 12, didn't you?"
"I made one statement. I don't remember what the date was."

"Didn't you say in that statement that your sister said she saw the negro as she came out of the factory?"
"I did not."

"I asked you how he looked, and she said she couldn't remember. Isn't that correct?"
"Yes, that's correct."

"Didn't she say it was about 12:30 when she came out?"
To this question Attorney Rosser objected. Solicitor Dorsey showed the witness his signed statement, and asked if that was his signature. The witness said it looked like his signature, and then said he couldn't swear whether it was his or not.

DOESN'T DENY IT.

"Then," demanded the solicitor, "you deny that you gave this answer, do you?"
"No, I don't deny it."

"Didn't you made certain changes and corrections in the affidavit after it had been written out by the stenographer and you had read it?"
"Yes."

Solicitor Dorsey enumerated several of the changes, all of which the witness admitted except as to a change regarding the time when Mrs. White came out of the factory. Attorney Arnold took

the statement from the solicitor, looked it over, and asked the witness how he came to go to the solicitor's office.

"I got a subpoena," answered the witness.

Solicitor Dorsey interrupted, "Oh, we'll admit that we sent him a subpoena, if that will please you any."

"It won't please us especially," retorted Mr. Arnold, "except that we just want to know whether that's the sort of practice employed by the solicitor. I would have had just as much right to summon a witness to my office as he had to summon a witness to his office. I never have succeeded in getting any testimony that way myself."

Resuming his examinations, Attorney Arnold asked: "You thought you had to obey the subpoena, didn't you?"
"Yes."

"You didn't know that that was a species of false imprisonment, did you?"
"No."

There was laughter in court.

"Did you just make the corrections in the stenographer's manuscript and then leave the office, or did you wait and see that the corrections were made in the affidavit before you signed it?"
"I waited and saw that the corrections were made?"
"Who else was there beside Mr. Dorsey?"
"There was a stenographer, and I think Mr. Starnes and Mr. Campbell."

"They were all asking you questions, were they?"
"Yes."
Attorney Arnold glanced over the pages of the affidavit and remarked, "Why, there's twenty-one pages of this. They must have gone over a lot of irrelevant ground. I'm not going to ask you about all this which has no bearing on the case. A lot of it has no bearing, has it?"
"Yes, that's right, to the best of my recollection."

Attorney Arnold read at random some questions and answers which the witness admitted to be correct.

SAW CONLEY READING.

"Do you know Jim Conley?" asked Mr. Arnold.

"Yes."

"Did you ever see him reading papers in the factory after the crime?"
"Yes, I saw him reading a couple of times a few days after the tragedy."
"Have you ever seen spots on the metal room floor before?"
"Yes."
"Did you see the place where they chipped up what they termed to be blood stains?"
"Yes."
Mr. Dorsey questioned the witness again.

"Where was Conley when he was reading these papers?" asked the solicitor.

"He was sitting near the elevator on the fourth floor once, and another time I saw him reading in the rear of the building."

The witness said he didn't know what papers Conley was reading. He said he had talked to Conley about the crime, but did not remember the conversation. Campbell said he knew Conley could write because he saw him writing, once with pen and ink. The solicitor questioned the witness closely about spots on the floor in the metal room. The witness said he had seen them frequently at different places in the room, but could not indicate them exactly. The witness said he had not examined closely the spot where the alleged blood stains were found.

"You heard the people all around there saying it was blood, yet you didn't take the trouble to stoop down yourself and look?"
The witness said yes, and his statement precipitated an argument over the admissibility of others saying it was blood. Finally the court admitted it on the ground that it would show the witness

conduct on that morning. Campbell was excused, and the court recessed at 12:30 until 2 o'clock.